

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 13,  
Section 3441(a) of the General Industry Safety Orders

Operation of Agricultural Equipment

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTSI. Written Comments

Mr. Joseph F. Kukla, Manager, Safety and Health, Pick Your Part Auto Wrecking, by letter dated August 2, 2002.

Comment No. 1

Mr. Kukla expressed comments related to the requirements and proposed amendments to the General Industry Safety Orders (GISO) Section 3441, "Operation of Agricultural Equipment." Mr. Kukla stated that Section 3441(a)(2)(C) of the proposal appears redundant to proposed Section 3441(a)(2)(E). He further stated that if there is no duplication between these two subsections that the difference (if any) should be made clearer.

Response

These two subsections are not redundant or a duplication of requirements. Section 3441(a)(2)(C) addresses the dissipation of energy ensuring machine parts have stopped prior to implementing lock out of electrical power as specified in Section 3441(a)(2)(E). One cannot safely implement the lock out of electrical power referred to in Section 3441(a)(2)(E) [Article 3 of the Low Voltage Electrical Safety Orders] unless equipment stored energy has dissipated and all parts capable of movement have stopped.

Section 3441(a)(2)(C) ensures that machine or equipment parts that are moving or capable of moving (coasting) have been stopped before the servicing of equipment. Section 3441(a)(2)(E) differs from the requirements of Section 3441(a)(2)(C) in that it requires the lock out of electrical power before actually performing maintenance or service on agricultural equipment to prevent unintentional or inadvertent start up of machinery while it is being serviced. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

### Comment No. 2

GISO Section 3441(a) differs from the procedures for industrial (forklift) trucks with regard to the equipment undergoing inspection prior to each day's shift as required by Section 3650(s)(7) for industrial trucks. Mr. Kukla suggests that some uniformity consistent with the requirements for industrial trucks be considered.

### Response

The agricultural tractor is the primary equipment used in agricultural operations. A recent rulemaking action was completed for GISO Section 3664 "Operating Rules" related to industrial trucks, agricultural and industrial tractors (effective June 27, 2002). As a result of this rulemaking action, the provisions of Section 3664 including the "Employee Operating Instructions" are enforceable. Section 3664(c) already addresses the issue of pre-shift inspection in that it requires every employee who operates an agricultural or industrial tractor to check and correct any unsafe conditions on the equipment prior to operation each day. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

### Comment No. 3

Mr. Kukla further commented that if the farm equipment has rollover protection, the installation of seat belts should be required (consistent with the requirements for industrial trucks in Section 3653).

### Response

The primary equipment used in agricultural operations for which rollover protection is a concern is the agricultural tractor. The "Employee Operating Instructions" in Section 3664 require that employees securely fasten seats belts if the tractor has rollover protection. Further, Section 3651(a) requires agricultural and industrial tractors manufactured after October 25, 1976 to be equipped with rollover protective structures (ROPS) when operated by an employee. Section 3653(a) requires that seat belt assemblies shall be provided on all equipment where ROPS have been installed and employees shall be instructed in their use.

Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

### Comment No. 4

Mr. Kukla also commented on the frequency for training and suggested that specific issues for additional refresher training be included such as those itemized in Section 3668(d)(1) for industrial trucks.

### Response

The existing language for training in the proposal is appropriate for the agricultural workforce where employment often is seasonal and high turnover rates typically occur. Proposed Section 3441(a)(1) ensures that the operator of agricultural equipment will always receive training at the time of initial assignment and at least annually thereafter. Further, refresher training and training frequency in agricultural operations is an issue that would likely require advisory committee participation and would be outside the scope of this rulemaking action. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

The Board thanks Mr. Kukla for his comments and participation in the Board's rulemaking process.

Mr. Ken Dickey, Safety Coordinator, City of Fresno, Parks and Recreation Department  
Wastewater Management Division by e-mail to the Board dated September 11, 2002.

#### Comment

Mr. Dickey stated that Section 3441 addresses agricultural tractors used in farming operations. He further commented that numerous school districts, park and recreation districts, municipalities, and state agencies use tractors for grounds maintenance (i.e., cutting grass, weed control, etc.). Mr. Dickey noted that these operations using tractors are not farming operations but the equipment is the same. Mr. Dickey recommended that these non-agricultural operations be included within the scope of the regulation.

#### Response

The use of tractors for grounds maintenance (i.e., cutting grass and weed control) is covered in the GISO, Article 25 "Industrial Trucks, Tractors, Haulage Vehicles, and Earthmoving Equipment." The definition of industrial tractors in Section 3649 in relevant part states that they are used in operations such as landscaping, construction services, loading, digging, and grounds keeping.

Article 25, Section 3664 contains the safe operating rules for equipment such as industrial tractors. Section 3664(b) requires that every employee who operates an industrial tractor be instructed in the work practices and procedures of the section and any other practices dictated by the work environment. This includes following the "Safe Operating Instructions" in subsection (b). Subsection (b) also requires that employees who operate industrial tractors receive instructions related to the requirements of Section 3664 at the time of initial assignment and at least annually thereafter. Board staff believes that Mr. Dickey's concerns are addressed by the existing regulations as noted above. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

The Board thanks Mr. Dickey for his comments and participation in the Board's rulemaking process.

#### II. Oral Comments

There were no oral comments made at the September 19, 2002 Public Hearing.

### DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

### ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.